

# Hawaiian Gazette.

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HONOLULU, H. T., FRIDAY OCTOBER 14, 1904—SEMI-WEEKLY.

WHOLE No. 2633.

## THE JURY FINDS BOYD GUILTY OF EMBEZZLEMENT

**Counts Based Upon His Stealings  
While Chief Clerk of Public  
Land Office.**

**Private Bills Conveniently Paid With Public  
Money—Boyd Taken In Charge by Police  
But Released on Bail.**

Edward S. Boyd, former Commissioner of Public Lands, was found guilty of embezzlement of public moneys by a jury before Judge Robinson yesterday afternoon. His conviction according to the form of the verdict embraced all three counts of the indictment on which he was tried, which charged him with embezzlement respectively of \$575, \$2500 and \$1552.50. The jury was absent only ten minutes.

This case referred only to the time when Boyd was secretary and sub-agent in the Land office. Whereas the aggregate amount of his embezzlements as now found by the jury is \$4727.50, the shortage discovered in the department attributed to the years in which he filled that position and subsequently that of Commissioner is about \$50,000. For part of the balance Stephen Mahaulu, who was next highest officer to Boyd in both capacities, is under indictment, as Boyd himself is for other large sums gone missing while he was head of the department.

For embezzlement of public moneys by an officer having their legal custody the penalty is imprisonment at hard labor for a term not exceeding ten years or a fine not exceeding five times the amount embezzled. Therefore for the present conviction on three counts Boyd might be sentenced to imprisonment for thirty years or payment of a fine of \$23,637.50.

### THE CLOSING INCIDENTS.

Mr. Chillingworth began his closing address to the jury for the defendant at 2:45, ending at 3:35, when Attorney General Andrews closed for the Territory in an address ending at 4 o'clock. Judge Robinson's instructions to the jury were concluded at 4:20, when the jury retired to consider their verdict. They returned at 4:30 with the following verdict:

"We the jury in the above entitled cause find the defendant guilty as charged in the indictment."

Mr. Chillingworth noted exceptions to the verdict and gave notice of motion for a new trial.

Judge Robinson set Saturday at 10 o'clock a. m. for sentence.

Judge Robinson, after a conference with the Attorney General and Mr. Chillingworth, following adjournment of the court, fixed Boyd's bail bond on appeal at \$7000. His bail for appearance for trial under all the indictments against him was \$15,000.

Boyd obtained a bond in the sum of \$7000, with George H. Robertson as surety, early last night and was released from custody pending his appeal.

### LAST DAY'S PROCEEDINGS.

Boyd took the stand again yesterday morning, for redirect examination in his own defense. He produced his paid checks to Stephen Mahaulu amounting to over \$1500, which he said were given for the payment of his personal bills. Mahaulu acted as his agent, drawing his salary for him, while he was absent at Washington. He was to pay Mrs. Boyd \$125 and expend \$25 more for paying small bills, the balance to be applied to lifting defendant's evidences of debt in the Land Office safe. Among these evidences exhibited by the prosecution the previous day were some liquor store bills and of these Boyd now testified that Mahaulu had expended instructions in the amount thus ex-

ended. He doubted if so much of liquors had been consumed at his house. When shown a certain receipt he stated that he had given Mahaulu his check for the bill it represented. This statement caused one of the warmest incidents of the trial when Mahaulu afterward was put on the stand in rebuttal. Another statement of Boyd also figured prominently in the same way. He was telling about a check for \$581 and said \$50 of it was for a payment on land at Lahaina for his wife, another sum for a certain purpose stated and the balance he could not say for what.

### THE REBUTTAL.

Stephen Mahaulu, called in rebuttal by the prosecution, denied that Boyd had ever deposited his own money with him to pay his (Boyd's) obligations, also said Boyd left no money with him when he went to Washington. Witness testified regarding a number of I. O. U.'s shown him saying they represented money taken from the Land Office funds by Boyd, which, in any of the cases, were never repaid.

On being shown a receipted bill, Mahaulu at once said that Boyd gave him a check for that bill. It had been left lying around the office and got in among the other exhibits shown. He told Deputy Attorney General Peters about it when that official was holding an investigation, but so much interest was being taken in the I. O. U.'s, etc., that his remark was not noticed.

Mr. Chillingworth cross-examined him long and severely on this item. Mahaulu, when asked how he remembered the incident, said "there was no stenographer there" on that occasion, as there had been at another investigation of the matter. Mr. Chillingworth took up the "stenographer" matter and harassed the witness about it until at length the Attorney General raised the objection, which was sustained, that the question had been asked and answered repeatedly.

Mahaulu, being questioned on the bunch of Boyd's checks, singled out one for \$50, saying that was a payment on land at Lahaina for Mrs. Boyd. This was a contradiction of Boyd's evidence that the payment in question was included in the \$581 check.

Mr. Andrews produced a large money bag containing pieces of paper, which Mahaulu identified as the receptacle for I. O. U.'s and the like kept in the Land Office safe. Witness was asked to look through the contents of the bag and see if there were any other I. O. U.'s belonging to Boyd the amounts of which had come out of public funds and never been repaid.

Mr. Chillingworth objected to evidence on the subject unless the prosecution filed every paper as an exhibit. The objection was sustained. Mr. Andrews did not consider the matter of sufficient materiality for all that trouble and withdrew the sack. Mr. Chillingworth made sarcastic remarks on the "dramatic display," and the court instructed the jury to ignore the bag incident.

### THE CLOSING ARGUMENT.

Shortly after the court resumed at 2 p. m., the closing arguments to the jury were made.

Mr. Chillingworth reminded the jury that they were the sole judges of the facts and that the defendant was being tried by them exclusively under the charges in the indictment, which accused him of embezzling three specific sums of money from the Territory of Hawaii. The evidence had shown them that a great deal of business existed (Continued on Page 5.)

## OYAMA WINNING THE FIGHT



GENERAL OKUSAKI AND STAFF. THIS GENERAL DEFEATED GENERAL COUNT KELLER'S ATTEMPT TO RETAKE THE MOTIENLING: THE BUILDING IS THE TEMPLE OF KWANTU, CLOSE TO THE SCENE OF THE BATTLE.

(ASSOCIATED PRESS TELEGRAMS.)

ST. PETERSBURG, Oct. 14.—General Kuropatkin reports that his left wing has been ordered back to the main position. The center has been forced back. Russian losses are considerable. Kuropatkin stays in the thickest of the fighting.

### A JAPANESE VICTORY.

LONDON, Oct. 14.—The press regards the battle as a Japanese victory.

### BATTLE STILL ON.

MUKDEN, Oct. 14.—The battle is still in progress.

### JAP CRUISERS ACTIVE.

TSINGTAU, Oct. 14.—Ships arriving report having been stopped by Japanese cruisers off Chefoo and this port.

### AFTERNOON REPORT.

TSINGTAU, Oct. 13.—The German steamer Emma, coal laden, is attempting to run the Port Arthur blockade. The Russians are offering fabulous prices for cargoes.

ST. PETERSBURG, Oct. 13.—Oyama's forces are advancing against the right of Kuropatkin and are attempting to turn the Russian flank. The War Office is not very confident over the outcome of the present battle.

ST. PETERSBURG, Oct. 13.—General Stoessel reports that the Russians from the Port Arthur garrison have recaptured Signal Hill from the Japanese and the bombardment of the interior forts is becoming more violent.

TOKIO, Oct. 13.—The battle of Mukden is with in-



E. S. BOYD, THE CONVICTED EMBEZZLER.

## KUROPATKIN IS DRIVEN BACK.

**Center and Left Go  
Rearward Under  
Pressure.**

**The Battle Continues.  
Russia Admits Big  
Losses.**

creased fury. The forces engaged exceed those in the battle before Liaoyang. General Oku's forces have captured 25 Russian guns. Continued Japanese successes are reported.

## CONSULAR DETAILS OF THE FIGHTING IN THE NORTH

Washington, Oct. 13th, 1904.

To Japanese Consul, Honolulu.

Marshal Oyama's report runs as follows:

Near Pensiho the enemy's counter attacks from all sides were entirely repulsed. On Wednesday our right army sent one detachment to Shikiatotze eight miles north of Pensiho to cut the enemy's retreat. The central and left columns of our right army occupied on Wednesday several eminences in the northeast of Yentai mines, and are now vigorously pursuing the enemy. Our central army commenced operations on Tuesday night and gained on Wednesday morning the heights a few miles east of Yentai, capturing two field guns and eight ammunition wagons, and while pursuing the enemy captured also field guns with ammunition wagons numbering eleven at Sanhuashishin besides 150 prisoners. Pursuit by our right and central armies is progressing successfully, and on Wednesday the enemy's detachment with artillery being enveloped they were panic stricken at a place twelve miles east of Yentai, while the rest were retreating northward in disorder. Our left army, since Tuesday night, was continuously attacking the enemy posted near the railway within ten miles north of Yentai. The central column of our left army, after repulsing the enemy's strong force, occupied Lantzchies, five miles northwest of Yentai on Wednesday afternoon, capturing sixteen guns. Thereupon we immediately pursued, the enemy retreating in disorder. We captured four more guns. During the pursuit, the enemy twice made a desperate counter attack, but was each time repulsed with heavy losses. The right column of our left army, while pursuing the enemy near Shilins, captured five guns and five ammunition wagons." TAKAHIRA.

The significance of this dispatch can only be realized when it is shown by comparison of reliable maps that the Japanese are facing the Russians in a line across about seventy-five miles of difficult country and that the great attempt of the Russians to cut the lines of Kuroki's communication with supplies coming from the Yalu river has been defeated. The Russians sent a force to Pensiho to cut these communications. Pensiho is a town thirty-five miles due east of Liaoyang and is on the road over which all of Kuroki's supplies would have to pass. This point is directly in Kuroki's rear. From here one road runs through Motien Pass to Liaoyang while another goes northward through very difficult country to Mukden, traversing the mountains in which the Yentai coal mines are located.

While cables of a week ago were to the effect that Mukden would soon be evacuated by the Russians this dispatch shows them to be fighting at points twenty-five or thirty miles south of Mukden and over fifty miles to the southeast.

## WHY THE BALTIC FLEET IS SAILING FOR THE FAR EAST

ST. PETERSBURG, October 2, 2 and several false starts, it is believed a. m.—Announcement is made that the Emperor Nicholas will visit Reval on Tuesday to bid farewell to the Baltic squadron. After months of preparation and the squadron is at last on the eve of its departure upon its long journey. A division in the Admiralty (Continued on page 5.)



# BOYD IS ACCUSED

## By S. Mahaulu In Open Court at the Trial.

(From Wednesday's Advertiser.)

E. S. Boyd, former Commissioner of Public Lands, now being tried in Judge Robinson's court for embezzlement of public moneys, was yesterday accused in open court by Stephen Mahaulu, former sub-agent for the Fifth Land District, of having converted to his own use \$2500, the cash proceeds realized on T. H. Davies & Company's check which had been presented in payment on a lease held by the firm.

The accusation was made suddenly and following it there was a moment's silence. No one spoke, the jurors riveting their attention on the witness as if waiting for more developments of the same kind.

Mahaulu stood pat on his statement and could not be shaken in it. It was the first time that any public tangible accusation has been filed, and coming from such a witness has an important bearing on the prosecution of the case.

The following jury was filled out yesterday morning to try the Boyd case: Percy Lishman, Chas. P. Osborne, J. J. Sullivan, L. C. King, Willard E. Brown, J. C. Cohen, Patrick Ryan, Norman Watkins, Harry A. Wilder, Wm. T. Erving, J. R. Moniz and C. J. Falk.

Attorney General Andrews appeared for the Territory, assisted by Mr. Fleming. S. F. Chillingworth appeared for the defendant Boyd. Jacob F. Brown, former Commissioner of Public Lands, was the first witness put on the stand by the prosecution. The Attorney General filed in evidence two receipt books for 1900 and 1901. He also introduced receipt No. 202, marked Exhibit C, bearing Boyd's signature, dated September 23, 1900; receipt for \$575, marked Exhibit D, dated March 5, 1901, Kaneohe Ranch Co., to Commissioner of Public Lands; receipt for \$1552.50, marked Exhibit E, dated March 5, 1901, Hamakua Mill Co., to Commissioner of Public Lands; all receipts signed by Boyd.

At the afternoon session Mr. Brown was cross-examined by the defense. In answer to a question he said he believed Mahaulu had the combination to the safe as well as Boyd. When Boyd went to Hawaii in connection with Oia land leases, Mahaulu took up Boyd's duties in the office.

M. T. Lyons, at present sub-agent for the Fifth Land District, and chief clerk in the Land Commissioner's office, brought to the witness stand the lease books of the office, which were offered as exhibits. The Attorney-General called for several specified leases bearing on the Boyd case. The first was lease 475, to Halkur and Pala plantations, Maui, entered September 30, 1893, to expire September 30, 1916. The amount of the lease calls for \$2,500 per annum, payable semi-annually, as did all subsequent leases; lease payments due September 30 and March 30; lease No. 520, Hamakua Mill Co., made May 18, 1899, for 15 years at \$1035 per annum, payable May 18 and November 18.

John Waterhouse, treasurer for Alexander & Baldwin, testified as to a check issued by his firm to the Commissioner of Public Lands for leases held by the Halku Sugar Company, dated September 29, 1900, for \$2500. The check was made out by the cashier and presented for payment, for which the company holds a receipt.

George F. Davies, director of the T. H. Davies & Co., Limited, was shown a check, marked Exhibit F. He was also shown a receipt.

"I received this receipt," said he, "when I was acting as cashier for Davies & Co. It has been in possession of our firm among our vouchers ever since. I received it from Mr. Mahaulu."

"Did you pay him the money?"

"Yes, and received a receipted bill; I paid him by check."

This check was for \$1552.50 and was dated March 5, 1901.

"Mr. Davies, was there not another demand made on you for this same sum of money?" inquired the Attorney General.

"Yes, upon the cashier."

C. Bolte identified a receipt given by him on behalf of the Kaneohe Ranch Company to the land office for payment of lease.

**MAHAULU ACCUSES.**

Stephen Mahaulu was then called. While Mr. Boyd was chief clerk under Commissioner Brown, Mahaulu was clerk under Boyd. On the latter's promotion to the Commissionship, Mahaulu went up one notch, taking Boyd's old place.

Attorney Rawlins at this juncture arose and said he represented Mahaulu, who was under indictment for embezzlement, and asked that the judge instruct the witness not to say anything that would incriminate him.

Exhibits C, D, E and F were shown the witness, who identified Boyd's signature on each document.

The Davies receipt and check were shown the witness.

"Did you have anything to do with that bill?"

"I was sent down to Davies & Co. to collect that bill from Davies. I presented that bill, which was receipted at that time by Mr. Boyd. Davies & Co. presented me with a check. I brought the check to the office, put my signature to it, took it down to the bank and cashed it. I then returned with the money to the office and turned it over to Mr. Boyd."

"Did any one instruct you to cash

that check?"

"Yes, Mr. Boyd."

"Who had charge of the combination to the safe in September, 1900, to March, 1901?"

"There are two combinations—one to the outside safe and one to the inside door. I had the combination to the outside, and Mr. Boyd had the combination to the inside door. I paid over all moneys to Boyd."

Cross-examination by Mr. Chillingworth.

"You are charged, Mr. Mahaulu, with a series of stealings from the government, are you not," inquired Mr. Chillingworth.

Attorney General Andrews was on his feet in an instant with an objection, and asked the court to protect the witness from such questions. The objection was sustained. Mr. Chillingworth said he desired merely to test the credibility of the witness.

"You got a check from Davies & Co.," pursued the attorney.

"Yes, sir."

"What did you do with it?"

"I took it to the office."

"What else after that?"

"I took it and stamped it with the office stamp and then attached my signature to it. I then went down town and got the money."

"Was Boyd in the office when you stamped the check?"

"He was. He had told me that all drafts and checks payable to bearer I could attach my signature and get them cashed."

"Did you tender your services as a witness in this case against Mr. Boyd?"

"No, sir, I was subpoenaed."

"When?"

"Today."

Then ensued considerable parley over Mahaulu having gone to Davies to identify his signature on the check and receipt, it being finally shown, however, that Mahaulu had not been asked to do so, except by his own attorney, and voluntarily offering to do so for the attorney general on Monday.

"The whole matter was to see whether I had the money or Mr. Boyd," said Mahaulu finally. "But I know that Mr. Boyd had that money." This was said with emphasis.

Territorial Auditor Fisher was called to the stand, but at this point the court adjourned until 9:30 this morning.

**COURT NOTES.**

The "Little Joker Tobacco" case was on hearing nearly all day in Judge Gear's court yesterday.

Henry Smith, administrator of the estate of Keki Amara, has filed an inventory of the estate showing realty in Kawaihoa-kai, Waiolu, Oahu, the wet land portion being under an annual rental of \$200 and household furniture.

Defendant in the case of The Portuguese Mutual Benefit Society vs. Mary Ann Kahanamakal has filed a general denial to plaintiff's declaration.

Charles Phillips, administrator of the estate of Henry Congdon, deceased, has filed notice that he will present his return of sale of real estate made under order of court, on October 12, at 9:30 a. m.

Defendant German Savings Bank of San Francisco has filed a demurrer to the complaint of plaintiff in the foreclosure mortgage case of Slater Albertina vs. Prince David, Prince Kuhio, et al., making a general denial.

Defendant in the ejectment case of Samuel Savidge, trustee, vs. Mary Berlemann has filed a demurrer and alleges that the plaintiff's declaration is ambiguous, in that it does not state what title, or what character of title in the land is claimed by the plaintiff. The defendant asks that the case be dismissed. Frank Berlemann makes a similar answer.

M. T. Simonton, as principal, with J. F. Morgan, as surety, has filed a bond in the sum of \$4,000 as Commissioner in the foreclosure of mortgage proceedings of H. Hackfeld & Co., Ltd., vs. W. C. Achi, Kapilani Estate, W. R. Castle and J. M. Monsarrat.

A deficiency judgment has been ordered by Judge Robinson against defendants in the case of the First American Savings Bank vs. Mary J. and A. A. Montano, for \$1899.

Defendant in the case of Mary Buckle vs. S. Achi has filed a general denial to plaintiff's declaration. The defense intimates it will rely upon the statute of limitation to prove its case.

## APPEALS FROM DISTRICT COURT

Appeals to the Circuit Court from the District Court were filed yesterday as follows:

B. T. White vs. M. R. de Sa, assumption judgment for plaintiff for \$234.

Tax Assessor vs. T. A. Hays, defendant, W. W. Hall, garnishee, judgment for plaintiff for \$76.05 (income taxes).

Territory of Hawaii vs. Henry Romero, charged with vagrancy, sentenced to imprisonment for one year.

Territory of Hawaii vs. Jose Reviera, charged with vagrancy, sentenced to imprisonment for one year.

W. S. Noblitt vs. J. W. Birt, assumption judgment for plaintiff for \$4.40.

Hong Quon vs. O. Yamaoka, judgment for plaintiff for \$152.33.

E. G. Ferreira and E. A. Douthitt vs. Frank Luciwicko and Minna Luciwicko, assumption judgment for plaintiffs for \$129.70, representing amount sued for as attorneys' fees in defending the defendants in court.

Harold Jeffs vs. Honolulu Rapid Transit Co., judgment for plaintiff, \$102.50; (transfer case wherein conductor refused to accept a transfer proffered by plaintiff to a Beretania street car conductor).

**CHAMBERLAIN'S COLIC, CHOLERA AND DIARRHOEA REMEDY.**

The uniform success of this remedy has made it the most popular preparation in use for bowel complaints. It is everywhere recognized as the one remedy that can always be depended upon and that is pleasant to take. For sale by all dealers and druggists. Benson Smith & Co., Ltd., agents for Hawaii.

# REPUBLICAN RALLIES IN THE CITY LAST NIGHT

## Two Spirited Meetings Which Were Addressed by Candidates and Others—The Wine Issue Catches On Among the Portuguese.

(From Wednesday's Advertiser.)

There was something doing last night at the Republican rally held in Roosevelt Square, the vacant lot between the Hawaiian Electric Company's building and the Occidental hotel. A band played before the meeting and when the speakers got into action they made things hum. A crowd of rowdies and some Home Rulers and Democrats raised a disturbance throughout the meeting; some of the speakers being almost forced to leave the stand on account of the volley of jokes and catcalls that was directed at them. Toward the presiding officer and conducted the meeting well. Lilihaiani was a prime favorite and held the attention of his audience throughout. He spoke in Hawaiian but his gestures were so apt and his manner so pleasing that it was an enjoyment for even those who do not understand the language to listen to him. His speech was one continuous ovation. E. W. Quinn was also popular with the crowd and was called for several times before his turn to speak came.

The first speaker was Carlos A. Long. He made a good address speaking of the Republican party as one that had fulfilled its promises. He scorned the idea that the Republicans had held back the spending of \$1,000,000 of the loan fund in order to use it as a campaign fund by employing men just before election. He showed how long it took to advertise for bids and to get the material around the Horn. "I believe in county government," he said. "I believe that is the uplifting of the Hawaiian people. I don't believe that they understand the present system." Long made a plea for the making of wine in this Territory and expressed himself in favor of a law allowing wine to be made. "Hawaiians like wine," he said, "even in preference to beer. Instead of paying our money to the States for wine let us have a home industry."

Mr. Lilihaiani was the next speaker and was greeted by a tremendous outburst of cheering. His speech was in Hawaiian and was frequently punctuated with shouts of "poi!" and other approving terms from the audience. He spoke first of the ticket and then of the improvements made under Republican administration. He outlined the platform and eulogized President Roosevelt and Governor Carter. He said that if a portion of the community wanted to make war on the administration it was all right but that he thought that it was composed of as good men as could be found in any land. He said if anyone was to be scratched from the ticket let him be the one, nevertheless he was of the opinion that he would be elected with all his colleagues.

E. Faxon Bishop said that this was his first appearance in politics. He had a hot roast for Cecil Brown saying in substance: "Beware of free lunches. When a man is standing on a party platform you know what he stands for but if an independent he is one who is going into the legislature for his own interests and not for those of the people. I won't call Mr. Brown hard names but I will say that he is playing the baby act. He was fairly beaten and now he is not man enough to take his own medicine." Bishop devoted the rest of his speech to the candidates of the party.

W. W. Harris made a rattling good speech. He said in part:

"The Democratic platform sounds like a letter from Kuropatkin. It is all regrets. They regret that the Republicans are in power, that the loan bill was passed, they regret that they are not spending the loan fund and that the Republicans passed the citizen labor law." Harris soaked the Democracy for their opposition to the cutting of salaries in the work of retrenchment and pointed to the fact that all the business firms had been forced to cut salaries also. He also quoted Iaukea's speech made when the calling of another session of the legislature to frame

a new county act was being considered. Iaukea, then stated, he said, that it would be no use to refer the bill to the legislature for the influence of the business community was against counties and they controlled the legislature. He quoted Iaukea as saying that he was for County Government not because it was best but because the people wanted it and they should be given it as a reward for the independence that they had lost.

"Jim" Quinn was the next speaker, and he waxed very humorous in the course of his remarks. The audience was convulsed when he shouted, "Why is the United States the greatest country under God's green earth? Because it is governed by the Republican party. We have three candidates for delegate," he continued: "If we sent a Republican man in Congress will say, 'What do you want?' and he will say, 'A naval station at Pearl Harbor, improvements at Pearl Harbor and fortifications at Kaimuki.' Then the congressmen will say, 'Oh yes, we know all about Kaimuki, for the Kaimuki Improvement Association has kept us posted, and we know that Judge Gear lives at Kaimuki and that some hostile fleet might sneak around past Diamond Head and shoot the horns off of Judge Gear's pet cow, and so you go to the ways and means committee and they will give you the fortifications to protect the cow and incidentally the islands.' But if you send a Democrat they will say, 'We are too busy with the Republican districts to give you anything, so we can't send you down to the ways and means committee, but you go down and find some nice little Promotion Committee and have a nice time in Washington.' Or if we sent a Home Ruler they would say, 'Who are you? We thought that you were dead and they would telephone for copies of the Chicago Lakefront and the Buffalo Breeze to find out who this fellow was and would send him away empty handed.'" Quinn praised the Governor for making his appointees give him their resignations as a matter of protection of the people (groans from the Democratic ranks).

Frank Andrade spoke in both English and Hawaiian, receiving generous applause. His speech was clear-cut and showed the importance of the legislature. He pleaded for a straight ticket. Senator W. C. Achi was the next speaker and promised that if the Republicans were put in power that a bill would be introduced allowing wine to be made in this Territory. He made an appeal to the Portuguese on this issue, saying that it would open up a great industry to them. His remarks were greeted with evident satisfaction.

Mr. Bernard Kelekollo, the "boy orator," was the next speaker. He spoke in both Hawaiian and English as his predecessor had done, and made an eloquent address on the past of the Republican party and a forecast of its future. Mr. Frank Camara and E. W. Quinn made brief remarks and the meeting closed with three cheers for the party, Governor and the candidates.

## SPELLBINDERS ON LILHA STREET

A large and enthusiastic gathering of people was present last night at the Republican out-of-door meeting held at the corner of Liliha and School streets. A cordon of torches was erected in an empty lot adjoining the street and within this was raised a platform from which the speakers addressed the audience.

A Hawaiian glee club was present which sang campaign songs as well as Hawaiian melodies, this feature being accentuated by a young man who had the hula habit badly, creating considerable fun.



MIRANDA'S TWO COMPANIONS, MARIA COLLONA AND RAMON TORRES.

erable fun.

John C. Lane, candidate for senator, presided. He proved his ability in this respect by introducing the speakers with witicism. Isaac Sherwood acted as interpreter.

Among the speakers were J. M. Dowsett and E. Faxon Bishop, candidates for the Senate, and F. T. P. Waterhouse, Oscar Cox, Sol. Mahelona, Kalawala and Kaleopu, candidates for the lower house.

Mr. Dowsett said he came up to the meeting just to place himself on exhibition before the people to show them who "Jack" Dowsett was and to let them hear words of wisdom from his lips. He said the reason he had joined the Republican party was because he thought it would be best for himself and the whole race of Hawaiians. It was the party of truth, the party of progress. Without the protectionist policy of the Republican party on the mainland the people in the islands had better prepare to be starved. It was necessary as the United States Senate was to be Republican, and in all probability the House also, that a Republican delegate be sent to Washington, to get action on Hawaiian bills which had their first introduction in Congress last session.

Born on the soil of Hawaii, Mr. Dowsett said he was entitled as much for support in his race for the Senate as any Hawaiian born.

Sol. Mahelona said if elected to the legislature he would place himself in the position to carry out the wishes of the party and his constituents.

Oscar Cox said he was neither a rich nor a poor man, but he was a working man. He was not running on the ticket merely for the honor of becoming a legislator, but because he would hope to represent the people of his district there faithfully and true. Remarks had been made that some of the members on the ticket were not fit. For that reason he asked the people to give them an opportunity to show that they are competent. He spoke of the Hawaiian language bill introduced by Kihio in Congress, saying that the Democratic and Home Rule statements concerning it were a tissue of lies.

Kalawala said that he was young, but he was living to learn. He had, since leaving school, studied and been given a good position by his present employers and he believed they had confidence in him. He hoped this would put him before the people in a way to bring him their votes.

Fred Waterhouse said that before voters cast their ballots next November 8 they should stop and consider what they are about to do. They were to elect legislators who were to pass the bills and appropriations for the next two years. This was important and they should be in accord with the administration. He asked the support of the voters for himself and the entire ticket.

## Mau's Registration.

The corrected list of registered voters on Maui is as follows:

Precinct	Votes
1-Kalaupapa	318
2-Pukoo	130
3-Lahaina	324
4-Honokohau	73
5-Lanai	42
6-Wailuku	266
7-Kahului	173
8-Kihui	42
9-Makawao	117
10-Hamakua	240
11-Huelo	41
12-Kaanoe	65
13-Hana	183
14-Kipahulu	63
15-Honuaula	77
16-Kaunakakai	45
17-Halawa	52
18-Waihee	158
19-Nahiku	32
20-Kaupo	79
Total	2544

## F. WOODBRIDGE WAS ARRAIGNED

Frank Woodbridge appeared in Judge Gear's court yesterday morning where four indictments were read, charging him with embezzlement in each case. His attorney, Frank Thompson, requested that the defendant be allowed until Monday to plead. The request was granted.

There are sixty Porto Ricans in Oahu prison.

## "GREEN SICKNESS"

The unhealthy complexion of green sickness is changed to the rosy blush of good health by Scott's Emulsion.

Green sickness is one of the forms of blood disease found in young women. The change from girlhood to womanhood often upsets the nervous system, weakens digestion and throws the blood-making organs out of gear.

Scott's Emulsion puts new heart into pale girls. It tones up the nervous and digestive system, and feeds the blood. It is a natural tonic.

Remember that 30 per cent. of these cases go on into consumption unless prevented. Scott's Emulsion prevents consumption.

We'll send you a sample free upon request. SCOTT & BOWNE, 409 Pearl Street, New York.

# IN SHADOW OF GALLOWES

## Jose Miranda Has Death Sentence Passed.

(From Wednesday's Advertiser.)

The gibbet, the noose, the black cap, the springing of the trap and death by hanging is to be the fate of Jose Miranda, the murderer of S. Edward Damon, Judge Gear yesterday morning sentencing the man to be executed. The matter is now in the hands of the Governor to set the date for the last act.

Judge Gear's sentence was brief and concise:

"Jose Miranda, it is the sentence of this Court that you suffer the penalty of death—that you be hung by the neck until you are dead—and may God have mercy on your soul."

The prisoner for the first time betrayed an anxiety as to his fate, for in voluble Spanish he rapidly spoke in favor of a life imprisonment.

The sentencing of the prisoner attracted a large crowd to Judge Gear's courtroom. Miranda was brought to the room by detective McDuffie. When a Spanish interpreter was found, Miranda was brought before Judge Gear. The latter leaning over on his desk, addressed the prisoner:

"Jose Miranda, the Grand Jury of the Territory of Hawaii drew an indictment against you charging you with the crime of murder in the first degree for having killed Samuel Edward Damon. You were thereafter duly arraigned and tried on a plea of 'not guilty' before a fair and impartial jury in this court, the court being legally constituted. You were assigned for your defence two of the ablest and



MIRANDA THE CONVICTED MURDERER OF S. E. DAMON.

most learned members of the bar and were by them faithfully and ably defended. The jury after due consideration returned a verdict finding you guilty of murder in the first degree and on that verdict the law inflicts the punishment of death."

As the words of his honor were translated to him the doomed man paid strict attention, once or twice nodding his head slightly as if in token that he understood.

"Have you anything to say as to why sentence should not now be passed on you?" asked the judge.

The statement was translated into Spanish for the benefit of Miranda, who replied that he was drunk at the time. He added that the jury might have found him guilty but he did not find himself guilty. The judge replied that was a matter for his own conscience, between himself and his God. The court then pronounced his sentence.

Miranda at once became active. He said he was not satisfied and asked to be sent to prison for the remainder of his life.

Judge Gear said this was impossible, but he had at least two weeks before the date of the execution would be set, during which time the prisoner could make his peace with his Maker.

Miranda was then returned to Oahu Prison, and a death watch was placed over, to remain with him until the day he is executed. Last night he was lying on the floor of his cell with his head close to the grated door where lantern-light fell upon it. The warden asked him how he was getting along and in a faint voice he said "Very well." Miranda began to feel his position.





# TOILS ARE TIGHTENING ABOUT EDWARD S. BOYD

Confronted With Damaging Testimony in Writing—Private Bills Paid By Public—Anxious About Auditor's Movements—A Cipher Code.

(From Thursday's Advertiser.)  
(Front of paper in E. S. Boyd's handwriting.)

"TELEGRAM.

"Should Auditor come in to check, and if no questions asked everything O. K."  
"If anything turns up and they doubt your explanation."  
"If checking satisfactory."

"Received mail—No reply required."

"Received mail—will reply."

"Received mail—reply unnecessary."

(Back of paper in S. E. Mahaulu's handwriting.)

"This is intended for this reason. Mr. Boyd is about to go to Hawaii and if during his absence my books should be experted I have to Telegram to him as per directions."

"The New Willard,

"Washington, D. C., March 4, 1902."  
"My Dear Steve: I have not heard from you folks yet—What is the matter, say Steve, you send me \$500—per draft from Bishop & Co. payable on the Bank of California, and send the same to my address and in care of Mr. Franklin H. Day, Masonic Temple, San Francisco, and drop a note to him to hold it for me. I may not need it, at any rate. I tell you Steve it cost money to live here, and that is all I can say. Do this favor for me. I will know by Monday when I will be able to start for home, and I hope that to be damned soon."  
"My regards to all the office staff, also yourself."  
"Your very truly,"  
"NED."

Amongst a perfect shower of exhibits with which Attorney General Andrews surprised E. S. Boyd and his counsel yesterday afternoon, in the course of cross-examining the defendant upon the stand in his own behalf, the two foregoing pieces of documentary evidence are among the most striking.

Scores of other exhibits presented on the same opportunity consist of E. S. Boyd's receipted private bills and notes of hand, his I. O. U.'s and "memorandums" that he said were not I. O. U.'s—all of which he categorically acknowledged had been paid out of Land office moneys belonging to the Territory of Hawaii. These acknowledgments, too, were made by Boyd in answer to cross-questions bearing upon his sworn statement on examination-in-chief by his own attorney, that, after the E. H. Wright incident in the Public Works Department, the practice of advancing money to officers of the Public Lands Department on I. O. U.'s or otherwise against their salaries had been stopped.

The evidences of debt in question, if here printed in the simile, would cover several pages of the Advertiser. They represent some thousands of dollars paid on E. S. Boyd's private account out of the public money of the Territory, the payments extending over a period beginning in 1901, when Boyd was secretary, and ending in 1904, when he was Commissioner of Public Lands. Many spectators were in Judge Robinson's courtroom at the height of the disclosures, jurors released from other courts having flocked in, and the sensation created was intense.

Boyd's present trial is upon the indictment charging him with embezzlements while he was secretary of the Land office and sub-agent for the fifth land district. Other indictments for the time that he was head of the department as Commissioner are still pending.

## STATEMENT OF DEFENSE.

Mr. Chillingworth, when the prosecution had rested at 2:53 p. m., made a brief statement of the line of defense to the jury.

"We propose to show you," counsel said, "that in the Land office there was a much mixed up custody of money, that different persons were in possession of combinations of the safe, that there was no particular person to collect and receipt for money, that the defendant was absent from the office much of the time covered by this complaint. We propose showing that Stephen Mahaulu, the only material witness for the prosecution, was under arrest; charged with the embezzlement of moneys in the Land office; also that this case against Mr. Boyd is given precedence over many other cases entered prior to it on the calendar. Further, we will show that the stamp and signature on the receipts exhibited by the prosecution were put on as a merely perfunctory proceeding."

Mr. Chillingworth then began calling witnesses, whose testimony is reported in its order below.

## MORNING SESSION.

J. H. Fisher, Auditor of the Territory, identified Boyd's receipts for salary as sub-agent and secretary of the fifth land district from September, 1900, to March, 1901, inclusive, at \$175 a month. The payment of rent for Haiku Sugar Co., \$2500, made by John Waterhouse of the office of Alexander & Baldwin, Ltd., as shown by defendant's receipt, was not entered in the Land Office books. The amount was not deposited in the Treasury. Witness knew this because it had been deposited the Land Office cash book would have shown more money deposited than was received. According to the receipt given the official receipt should have been No. 206 in the blank receipt book. No. 206 receipt, shown by the witness, was still blank and not detached from the

stub. There was no record of the deposit of this \$2500 up to June 30, 1904. Witness testified regarding the payment of rentals by C. Bolte, \$675, and by Hamakua Mill Co., \$1552.50, shown by receipts exhibited. The Land Office cash book was in the handwriting of Edward S. Boyd. Finally he was asked by Attorney General Andrews:

"From your examination of the books of the Treasury and of the Land Office, have any of these three sums been paid into the Treasury?"

"No, sir," was the answer.

Mr. Fisher identified a letter to his predecessor, H. C. Austin, giving a list of "I want to refresh your memory. Did not Mahaulu come into the office after being arrested and tender his services?" Mr. Chillingworth asked:

"I don't think he did. He did not come there at my invitation. I think he came in consequence of a conversation he had had with Mr. Pratt. I cannot say what that conversation was. He did talk of some matters under investigation. I don't believe he was there more than one day, about half an hour one morning. He gave me no particular information. His information was of no particular use to me, as all the information I got was in checking up the books. This showed me that certain payments of leases were abandoned. The subject of conversation generally was the books of the Land Office, why the general lease book had been discontinued. Had at that time discovered nearly all the matters and things about which I have testified this morning. May have asked Mahaulu one or two questions about what I had discovered. Did not have much conversation with Mahaulu while he was there in the office; had none at any time subsequently. Previous to Mahaulu's coming I had Pratt with me and we knew of the defalcations from the absence of entries. I had a list. All that was left was to compare this list with the accounts of the leaseholders. When Mahaulu came in I asked him something about the books. Had very little conversation with him. It was intimated to me that Brown would probably come into the office that morning."

J. L. Horner, a Circuit Court stenographer, was next called. He was present at a conversation between Mr. Boyd and Mr. Peters (Deputy Attorney General), in the Executive building, in a little room off Secretary Atkinson's office.

Mr. Chillingworth checked the witness from answering a question as to what the conversation was, saying:

"I think the court should scrutinize with great care those star chamber investigations held for the purpose of obtaining evidence." He thought it should first be shown that the defendant had been warned before the conversation that what he said might be used in evidence against him.

Judge Robinson did not know any rule of law which required a person making a voluntary statement to be cautioned.

Mr. Chillingworth said this was not an investigation held in defendant's own department, but one by the prosecuting officer with a stenographer present, for the purpose of obtaining evidence. He thought he could produce authorities to show that where a trap had been laid the evidence was not admissible unless the person had been warned. The evidence offered was a surprise to the defense. It might be taken subject to motion to strike it out after he produced authorities.

Judge Robinson said the damage would be done then, as it would be hard to disabuse the minds of the jury from the effect of a confession.

Mr. Chillingworth said it would take some time to look up the books and spoke of being somewhat handicapped by the withdrawal of Mr. Dunne.

Mr. Andrews referred to the strong objections counsel had raised to delay at the outset as inconsistent with the request for time in the midst of the trial.

"Mr. Attorney General," the court remarked, "these recriminations are generally bombast. Mr. Chillingworth, how much time do you want?"

Mr. Chillingworth thought he could not very well look up the authorities on such an important point before 12 o'clock.

The court at 10:55 took recess until 2 p. m.

Of the officers of the Land Office, which was signed by E. S. Boyd, secretary.

Cross-examined by Mr. Boyd, Chillingworth.

Mr. Fisher said he based his statement that the moneys had not been paid into the Treasury on the system of duplicate receipts kept between the Auditor's and the Land offices. One copy of the receipt was kept by the Auditor. Deposits were shown by the Auditor's books. No deposits made by the Land Office in excess of its receipts was shown by its cash book. Witness had made an exhaustive examination of the books of the Land Office. He had assistance for two or three days.

Witness believed he spoke to Stephen Mahaulu about the accounts one day. He found they had been keeping a ledger, an account of each lease or

agreement to sell. For these general leases they had no ledger account, but sort of rent roll book. Witness told some one there it was strange they had no ledger for these accounts the same as for the others. They hunted around and got this book (witness produces a book). It was not written up. Witness wrote most of it up himself, some entries being made by M. T. Lyons under his direction. Asked Mahaulu why the book had been abandoned and was told it was by Boyd's instructions. (Conversation ruled out on Mr. Chillingworth's objection.)

Believed Mahaulu had been arrested then, presumed he was out on bail. Mahaulu did not volunteer assistance; came into Land Office one day witness was there.

## AFTERNOON SESSION.

When the court resumed at 2 p. m., some time was spent over the admissibility of Stenographer Horner's evidence. The witness was examined in the absence of the jury, with his transcript of notes of the interview, as a basis for argument. Mr. Chillingworth objected to the evidence on the ground that the conversation between Peters and Boyd did not relate to the specific charges in the indictment. He quoted "Greenleaf on Evidence," and argued that the report with its dialogue "There was a shortage." "No, there was not." "Yes, there was"—showed intimidation and threats enough to bring the interview within the rule against such evidence. From a United States decision against evidence obtained "by the exertion of any improper influence," he contended the evidence should be excluded, as the defendant was there in the custody of the High Sheriff, his denials were contradicted and a repetition of the question if there was a shortage implied an imputation that the defendant was not telling the truth.

After considerable argument the court ruled the evidence admissible. Mr. Chillingworth noting exceptions.

Mr. Horner, the jury having been called in, testified that Boyd, Peters and himself were the only ones present in the tower room off the Secretary's office at the meeting on May 20, 1904, so far as he recollected. J. W. Pratt came in later. Boyd was not in custody so far as he knew. Peters asked Boyd if there was any shortage in the Land Office at the time he gave up the office of secretary and sub-agent to become Commissioner. Boyd said there was not and Peters asked him the question repeatedly with variations, in substance accusing him of lying. There was examination of Boyd on specific amounts. Witness could not say if the sheriff was present, thought he saw him immediately after the interview. Did not know how Boyd got there; he was in the room when Peters and witness entered.

Witness was not allowed to read from his report, though permitted to refresh his memory therefrom. He was not questioned on the contents beyond what was necessary to prove that Boyd in the interview denied that there was any shortage.

J. W. Pratt testified he was present at part of the conversation in the tower room on May 20. Boyd was not under arrest at the time.

Cross-examined, he knew Boyd was not under arrest because after the interview the Governor censured the Attorney General's Department for not placing him under arrest. He might have arrived in company with the High Sheriff, but was not under arrest. Witness knew this from a conversation with the Governor in which he took part.

A motion to strike out Mr. Pratt's evidence was denied.

The prosecution then rested.

## EVIDENCE FOR DEFENSE.

Mr. Chillingworth, after making his opening statement to the jury for the defense, called John Waterhouse.

Witness had searched that day, by request of counsel on both sides, for the stub of the Haiku check but could not find it. On cross-examination he said the transaction took place before he had engaged with Alexander & Baldwin.

A. M. Brown, High Sheriff, recalled his having accompanied Boyd to the Executive building on May 4 last. Boyd went there at his request, witness having received a message from Secretary Atkinson saying that the Governor wished to see Boyd. Went there with Boyd in a hack. Thought he had asked Capt. Parker if he had seen Boyd about the streets. At the Executive building Boyd and he went into a small room adjoining the Secretary's office. Peters came in and witness went out. Might have heard a few words but did not recollect what they were. Came back from the building and had a talk with the Attorney General, as a result of which he arrested Boyd the same day.

Cross-examined—At the time of going to the Secretary's office Boyd was not under arrest.

W. R. Sims, clerk of Circuit Court for Judge Gear, was asked:

"Have you an indictment on file against Stephen Mahaulu?"

The Attorney General objected, challenging the purpose of the question.

Mr. Chillingworth said it was asked because there was an indictment against Mahaulu for an offense of the same kind as the defendant was charged with, committed about the same time. He wanted to test the credibility of the witness.

Judge Robinson asked how could that test his credibility. If he was convicted it would be different.

Mr. Andrews said if the witness could prove that Mahaulu was convicted for stealing that money or even indicted for so doing, the evidence might be competent. As a matter of fact he was indicted for stealing different money, and the proposed evidence was absurd.

The objection was sustained.

## THE DEFENDANT CALLED.

Edward S. Boyd, sworn—Am defendant in this case. In September, 1900, was secretary of the Land Office and sub-agent for the fifth land district of the Hawaiian Islands. There was no fixed rule regarding the duties of the clerk of the Land Office; rules were general; everybody could do anything in the office routine; each clerk could do anything. Every man did his own work and was expected to help in the general work of the office. The cash book was kept by witness, the detail

book by Mahaulu, the general work done by the office staff.

Generally the messenger collected the money. Receipts were made out by witness and the clerk. J. F. Brown was Commissioner, the witness secretary, Stephen Mahaulu clerk and book-keeper, and there were a clerk and typewriter, and a messenger. Mahaulu was employed generally in the work of the office.

Moneys of the office were kept in a safe, a safe with a cash till. During my absence Mahaulu had access to that safe. In my absence he had the combinations to the safe in its entirety. Mr. Brown had access to the outer doors.

In September, 1900, I was in Hilo from the 18th to the 24th, when Mahaulu had control of the cash. I resumed control of the cash on October 1 after my return.

Q—How did you arrive at the correct amount you received?

A—I would not know what was received until the first of the month for the month past. I took the cash from the first of the month. The September cash was deposited in the Treasury. Mahaulu did not enter up the cash book. I entered up part of it before I went to Hilo and the rest of it after I returned. I procured the entries from the stubs. The amount I received from Mahaulu is the amount shown on the stubs. There is nothing but the stubs for data for the time I was absent at Hilo.

Sometimes myself and sometimes Mahaulu made out the statements for rents. The statements are segregated by the different houses in town representing different plantations, given to the messenger, and when he returns with the collections they are entered up. (Handed one of prosecution's exhibits)—That is my signature.

Witness was asked about the name Hakalan written in the paper exhibited and then cancelled. He explained that he had been told it was a mistake, and he tore up the statement and made another. That was why Hakalan appeared on that receipt.

(Shown a receipt dated October 2, one of prosecution's exhibits) I do not know anything about the surrounding circumstances of that receipt.

Q—It is the same number as this?

A—I told you already that Stephen Mahaulu handed me the receipt. To my knowledge that money (\$2500 from Haiku Plantation Co.) was never paid into the office, at least not to me.

Q—What would have been the proper course to pursue in this case of receiving payment by check?

A—The proper course would have been to enter it on the stub. Once it appears on the stub it must go into the book.

(Shown receipt for \$675 from Kaneohe Ranch Co.)—That is signed by me. I never received that amount. From the testimony adduced I would say Mahaulu received it. (This statement was ordered stricken out as a mere conclusion of the witness.) I do not know of my own knowledge who collected that.

Q—Would you know if you received the money?

A—I never received the money. (Exhibit of statement shown)—That is my signature. The body of the bill is written by Mahaulu. After Mahaulu made the bills out the next thing was the collection. The stamp and receipt had to be put on before the collection.

Q—Could the amount be collected without those marks?

A—When I was in the office I signed them. I took for granted that the accounts were correct when handed to me.

Q—If a check for the Land office is made payable to bearer, who ought to collect it?

A—If payable to bearer anybody could collect it.

(Exhibit of check on Bishop & Co. for \$1552.50 shown)—The endorsement is signed by Stephen Mahaulu. I heard Mahaulu testify it was endorsed by my orders. To my recollection I gave no such orders. I do not remember that amount. I was always willing to sign checks.

On March 6, 1901, I held the same position as I held in September 1900. Subsequent to those dates I was appointed Commissioner of Public Lands, think it was the 7th or 8th of May 1901. In the period from September 1900 to March 1901 I was absent from Honolulu on official business, once from September 12 to 24 and again the middle part of December, cannot say exactly the dates. I was not away during 1901. When I was away Mahaulu had charge of the office so far as cash is concerned. Most decidedly he would have authority to make out bills of that sort.

In the month of May 1904 I was called up to the Executive building in connection with land matters. I was sent for: I was up on Liliha street witness mentioned a relative there who was at the point of death. Captain Parker told me the High Sheriff wanted to see me. (Witness told of the interview as having been reported correctly by Mr. Horner.) I had no knowledge at that time of any shortage.

## CATEGORICAL DENIALS.

Q—Have you ever, directly or indirectly, taken any moneys of the Land office except what you were entitled to as salary?

A—During Mr. Brown's time there was a practice of advancing money to employees, not excluding Mr. Brown. When the E. H. Wright matter came up it was stopped. I mean the advancing of money on salaries. The I. O. U.'s were redeemed at the end of the month. Other moneys advanced from the cash were for expenses, such as material for the typewriter.

Q—Those are the only funds that you know of to have been taken from the Land office during that time?

A—Yes, sir.

Q—Did you ever abstract from the Land office the sums specified in this indictment (reading the specifications)? Did you ever take away, steal or otherwise misappropriate the sums so specified?

A—I did not. I never had occasion to question the fidelity of Mahaulu. I trusted him implicitly. I entrusted money matters entirely to him.

(Continued on page 6.)

# THE QUEEN, THE ALIIS AND ANTI-DOLE PLEAS

Out in the Fifth Jimmy Boyd, Sol. Mahelona and Faxon Bishop Commend the Straight Ticket—A Hula Hula Dance.

(From Thursday's Advertiser.)

Confidence in Governor Carter and his administration of affairs in the Territory was the keynote of the reasons which Charles W. Booth gave last night at the meeting of Republicans in Pauoa for his conversion from the Democratic to the Republican party. Mr. Booth came out strongly in a speech which was not only full of praise for all that the administration had done and was doing for the people of the Territory, but he denounced the party to which he had hitherto pinned his faith. Mr. Booth presided at the meeting and his first appearance on the stage was the signal for an outburst of enthusiasm which echoed and re-echoed in the valley of Pauoa.

The meeting was held at the school-house grounds, and was preceded by a torchlight procession of about 200 people. The procession was headed by a band. Next in line came the "Red Shirts," Faxon Bishop's stalwart Hawaiians. The line of march was up Emma street to Pauoa. G. K. Lowe was the marshal, assisted by David Kaubane. In the school grounds a high platform was erected and nearby were two patent flares which shed a bright light over the big assemblage of men and women. The Republican quintet club was present on the platform. The meeting was not only large in numbers but in enthusiasm as well.

When Mr. Booth, who was introduced by John C. Lane, mounted the platform, he was greeted by tremendous cheering. A young and winsome Hawaiian girl followed him to the platform and dropped a malle and lehua lei about his neck. After the usual greetings Mr. Booth, speaking eloquently in Hawaiian said in part:

"I am not here tonight as a candidate for office, but I have come here to let you know why I have left the Democratic party and joined the Republican party (applause). I have done so, not because I was in the Democratic party, went to sleep and woke up the next morning a Republican, but for better reasons. First, I have full confidence in Governor Carter, because I know him, because he has lived in Pauoa and because he was born right below here. I have every confidence in him, which I did not have in Governor Dole. If Mr. Dole were Governor I probably would not be here tonight. I believe in Secretary Atkinson. He was born here too.

"Some of you will ask who is the head and tail of the Republican party on the mainland. I will answer: President Roosevelt. Some of you will ask who is the head of the Republican party here in this Territory? I will say to you that it is Governor Carter. (Applause).

"If any of you ask who is the leader of the Democratic party here I can guess that it is Kinney. He is its head and tail. Who is Mr. Kinney?"

"Was it not this Kinney who destroyed our Queen? Look at the character of this man in the past. He once told me that if I didn't sever my connection with the Hawaiians I would be hanged.

"During the last session a bill came up for the extension of School street and was passed. I had been before former legislatures and asked them to make the Pauoa road extension (Fort street), but they shook their heads. I then appeared before Governor Carter and asked him when this extension was to be built. He said he would not rest until the road was built (cheers). You can all see that that road is built and we are having the benefit of it. I have already driven over it.

As for the Home Rulers, we must have sympathy for them because they are all Hawaiians, but they have founded their party on wrong principles.

"Politics here today can be compared to the days when Noah's ark was in existence. Noah, you remember sent doves out from his ark and one returned with an olive branch. Governor Dole was like one of these doves. He went out and returned with nothing. The next dove was Governor Carter. He was sent out and returned with something. That is the reason I am now a Republican. I am a Republican now and forever. Elect the full Republican ticket. If they don't do right you can salt them down, but I believe they will be alright and there will be no need to salt them." (Applause).

## MR. DOWSETT SPEAKS.

"Jack" Dowsett was next introduced as a man who was a Hawaiian through and through, and who had married one of the race.

Mr. Dowsett said that it was a proud moment for him to see so many citizens of Hawaii interested in the cause of politics and especially in the cause of the Republican party.

"It is a proud thing to me, also," he continued, "to find that a kamaaina who has been brought up in Pauoa—Charles Booth—has decided to stand by the Republican party in this campaign. I look upon him as a Hawaiian, for he is practically as much a Hawaiian as you or I. He has had his eyes open, for he has now joined the party that will benefit you and me and all the people of the Territory."

"Last week I went around this island with your keiki all. Prince Kuhio Crowds came to hear him speak, and I can assure you that this island will vote in the majority for the Republican ticket. Why did they come to

hear Kuhio speak? Because they knew there was a keiki all of your own race at the head of the Republican ticket and they wanted to hear from him why he should be at the top of the ticket. When you see one of your own native citizens like the keiki all working for the Republican ticket, when you see another Hawaiian citizen like Charles Booth, and when you see another citizen like me working for that ticket, surely to God, can't you see that we must be sincere in our efforts to bring victory to that ticket?"

"Do you suppose that I am running for office on the Republican ticket with my eyes shut? No, it is for the benefit of you Hawaiians. Do you suppose that I, whose vote as a Hawaiian citizen was taken from me in 1893, depriving me of the right to vote from that time up to 1900, that I, who refused to take the oath of office to any government unless in my own opinion I felt I was right in doing so—I say do you suppose I joined the Republican party without coming to the conclusion that it was the only party that could help the Hawaiians and the Territory in general?"

"I originally stood against it because I was opposed to the overturning of the monarchy. I was opposed to annexation, but it came and stayed. I have felt it my duty to come forward and enter the political arena at this time to do what I can for the benefit of you people and the benefit of the Territory at large, and that is why I ask you to vote for me as a senatorial candidate."

"I want all you Hawaiians who may not be Republicans to take this matter under advisement. Look at me. I have invested everything I have in the Islands. I married a Hawaiian. I am here to stay with you always. I weighed the matter myself, carefully, and I decided there was but one party to stand for the future prosperity of the islands and that is the Republican party, the party for you and the party for me. (Applause).

"Look at the intelligent platform of the Republican party, and then at the botch of a platform of the Democrats which is filled with personal abuse of Governor Carter and his administration and then choose."

"There are important matters to come up in the Legislature and you want the best men to go there to pass the laws. I say why can't these bills be introduced by the best party—the Republican, rather than by fools, lawless and other professional men (laughter and applause)."

John Lane then made an eloquent speech in Hawaiian, along the lines of his speeches at other places.

Jack Lucas made one of his characteristic speeches in Hawaiian, which convulsed the audience with laughter.

## REPRESENTATIVE HARRIS SPEAKS.

W. W. Harris spoke of the poor quality of legislative material among the Home Rulers, and especially those whom that party sent to the last legislature. A soda water bill was up in the last session. John Gandall made the speech of his life in favor of the bill. Kaniho, a Home Rule statesman, spoke to Gandall and said, "Suppose I buy a case of soda water and drink it and then put the bottles back in the case, which I might place on a table. Then suppose some cats or dogs jump on the table overturn the case and break the bottles, who is to pay for the bottles?" Mr. Gandall replied: "You pay for it yourself." Kaniho then said, "We must kill that bill because they make us responsible to the people for the acts of dogs and cats." That is the sort of legislation the Home Rulers dwell upon. You must send responsible men to the legislature.

"I want your votes," said Mr. Harris. "I am as much a Hawaiian as any man. You know I have always befriended the Hawaiians and always will." (Applause).

## OTHER SPEAKERS.

When Faxon Bishop mounted the platform he was greeted with tremendous cheering. The crowd yelled itself hoarse. He said the big crowd present showed that the Pauoa precinct had plenty of enthusiasm. He was particularly pleased to be on the stand at this time, owing to the fact that such an old resident as Charles Booth had decided to stand on it with him.

Other speakers later in the evening were Frank Andrade, Carlos Long, E. W. Quinn, R. N. Boyd acted as interpreter for all the English speakers.

# THE FIFTH DISTRICT HEARS PARTY ORATORS

The "Hula-hula ticket" felt right at home last night at the rally at Kalihl and they had their favorite amusement to entertain the meeting. While the quintet club was playing a fascinating hula between the remarks of E. Faxon Bishop and those of Sol. Mahelona a patriotic supporter of the Fifth District ticket who had imbibed too freely of the cup that cheers bounced into the ring and began to execute the hula in the most approved fashion. Instantly all thought of politics was abandoned and the audience went wild with delight over the grace-

(Continued on page 6.)







## DOINGS IN THE COURTS

### Burglary Trial On Before Judge Gear.

Joe Caspino and Kamelo, burglary in the first degree, was on trial all day before Judge Gear. Deputy Attorney General Prosser for the prosecution; J. W. Cathcart and J. L. Kaufookou for the defense. The jury are as follows: F. J. Dutra, F. E. Blake, H. P. Roth, H. A. Parmelee, A. C. Dowsett, G. D. Mahone, Chas. Hummel, C. J. Ludwigsen, A. Nelson, J. F. Soper, E. Benner and C. F. Merrifield.

#### INSURANCE CASE.

Judge De Bolt is still engaged with the trial of Kwong Lee Yuen Co. vs. Alliance Assurance Co., one of the Chinatown fire cases, for which a jury was empaneled on Wednesday. Ballou & Marx for plaintiff; Robertson & Wilder for defendant.

The following named constitute the jury: W. M. Buchanan, E. S. Cunha, Henry Gehring, John A. Baker, A. R. Gurrey Jr., John Kidwell, John Isaac, Winfred H. Babbitt, Albert Lucas, Chas. S. Crane, Wm. Mutch and E. G. Carrara.

#### NOW DEMANDS LEGACY.

Mrs. Mary Downey gives notice to L. Schweitzer, executor of the last will of Samuel Sachs, deceased, that she withdraws her relinquishment of the legacy to her in said will, and now insists upon payment of the legacy in pursuance of the terms of the will.

#### DEMURRERS FILED.

In the suit of Ellen Albertina Polblank, trustee, vs. David Kawanakoa et al., demurrers of Jonah Kalamianole and Elizabeth K. Kalamianole have been filed by their attorney, C. W. Ashford. They deny the jurisdiction of the Circuit Court at Chambers or any judge thereof. A misjoinder of parties plaintiff is alleged, in that Stella Keomallani Cocket, for whom the plaintiff named is trustee, is not made either plaintiff or defendant. It is also alleged as a misjoinder that the Territory of Hawaii has been joined as a party defendant, whereas neither the Circuit Court at Chambers or any judge thereof has authority to take cognizance of the matters alleged against the Territory of Hawaii. Another misjoinder stated is the naming of Abigail W. Kawanakoa and Elizabeth K. Kalamianole as parties defendant, whereas the bill fails to show any interest of them or either of them in the cause of action, if any there be, set forth in the complaint. Finally, it is alleged that the complaint does not state facts sufficient to constitute a cause of action.

#### COURT NOTES.

Judge Robinson's jurors are excused until 10 o'clock Monday morning.

Judge De Bolt granted a divorce to Caroline Bailey against Harrison S. Bailey on the ground of non-support. J. Lightfoot appeared for libellant; the libellee made no appearance.

W. O. Smith, executor of the will of Hoopihi Silva, has filed an inventory of the estate. The real property consists of 2 1/2 acres of land in Manoa Valley, and the personalty notes and mortgages amounting to \$2388.10.

Mrs. Keiulu Mary Puuki petitions that she be appointed guardian of the property of her daughter, Mary Kahal, which consists of real estate valued at \$4122.50. The daughter joins in the petition, nominating her mother as guardian.

C. J. McCarthy has filed his oath of office as a jury commissioner for the First Judicial Circuit for the year 1904.

## THIRD TOURNAMENT HALEIWA CUP

HALEIWA, Oct. 13.—The third tournament for the Haleiwa challenge cup will take place on the sixteenth and from present bookings at Haleiwa there will be more contestants for the handsome trophy than in any previous match. Dr. Hubert Wood of Waialea has been fortunate in placing his name twice on the cup. If he wins it again it will become his permanent property, but as he made a 48 at the last match he will in the future be handicapped on that basis which will necessitate his doing very much better playing than he has done of late to win. The players of the Haleiwa Golf Club have for some reason all fallen off in their playing of late, with the possible exception of Oswald Mayall who plays at times a brilliant but a very erratic game. It is hoped that C. W. Case Deering will be back from Hawaii in time to participate. He gives promise in his play of being able with a little practice to give any Oahu player a close rub. All of the long grass has been cut on the Haleiwa Links. And the putting greens have been greatly improved since the last contest. The Japanese Amateur

jolly party of sixteen gotten up by Dr. Alford C. Wall having already engaged rooms.

Governor and Mrs. Carter with Secretary A. L. C. Atkinson and some friends spent Monday night with manager Fred Church, leaving on Tuesday for Wahiawa and Pearl City. They report the road around the island in good condition. J. G. Rothwell has been at Haleiwa for ten days on a much needed rest. His ideas of "rest" are however confined purely to "mental" lassitude, as in other respects he has been leading a most strenuous life, what with shooting, fishing and golf, he has hardly had time to sit down. Never having had a club in his hands until a week ago, he has brought his score well down within the sixties and will be down on Sunday to try and win the cup. These contests in a clean out of door sport are an excellent thing for the young men of this community giving them exercise which they otherwise would not get.

## WHY THE BALTIC FLEET IS SAILING FOR THE FAR EAST

(Continued from Page 1.)

has existed throughout the period of preparation regarding the advisability of sending out the squadron, but with the decision to double the size of the Manchurian army and press the war with vigor, the logic of those who for months have insisted that every available ship should be dispatched to the Far East has finally prevailed.

The argument that no complete victory over the Japanese is possible unless the command of the sea is wrested from them could not be overcome, and though much valuable time has been lost and the moment seems inauspicious, it is officially intimated that an irrevocable decision has been taken to dispatch the Baltic fleet, even if the Port Arthur squadron should be annihilated before its arrival there. It is realized that the squadron which, on paper, is about equal in fighting strength to the Japanese fleet, will be much better able to encounter them now than in the spring, after the Japanese ships have had all winter to clean, repair and refit.

While hopes are still entertained that Port Arthur may be able to hold out until the appearance of the Baltic fleet, the question of the fall of that stronghold does not, apparently, enter greatly into the calculations of the Admiralty. The only thing expected of the Port Arthur squadron is to break out of the harbor and inflict as much damage as possible upon Admiral Togo's fleet. Such ships as escape are expected to make their way to Vladivostok, where the repairs on the cruiser Bogatyr are understood to have been practically completed and those on the Rosels and Gromobol are nearing completion.

The question of the war in the Far East will depend upon the issue of a sea fight after the arrival of the Baltic fleet. Vladivostok, although ice-bound in winter for commercial ships, can easily be kept open for a fleet of war vessels by means of ice-breakers. If the Japanese fleet is caught in some way weakened conditions and the Baltic ships are able to win a victory, officials here hold that other problems will solve themselves, and with Japanese communication severed, the Japanese army on the mainland will be at the mercy of Russia.

This boldly announced programme seems to stake the whole issue upon sea fighting. The Japanese ships, it must be remembered, have been in active service for seven months. No matter how greatly the efficiency of the guns and the speed of the vessels have been impaired, the crews of Admiral Togo's ships have enjoyed the prestige of continuous victories, while opposed to them will be a fleet of brand-new ships, more or less untried, and none of which have fired a shot in actual warfare, and whose crews have never yet been under fire.

The Associated Press hears, however, that important conditions are attached to the programme outlined above. According to this information the Baltic fleet will be started for the Far East, but the continuation of the voyage to its destination will depend primarily upon how the ships themselves stand the test of actual sailing, and, secondly, upon developments in the Far East. Should all go well with the squadron on the voyage and Rear-Admiral Wren be able to strike a telling blow at Admiral Togo, even if half his ships go to the bottom, the Baltic squadron will be hurried on with all speed possible. If defects develop in the vessels or if Wren falls utterly the squadron can, at the worst, return and await the completion of other ships now building. Nothing, it is argued, will be lost and much may be gained by the mere departure of the squadron; and the fact that it may have to be reckoned with later may make Admiral Togo wary about risking his ships when the time comes for Rear-Admiral Wren's sortie, and thus give the latter a better opportunity to escape.

No official dispatches from the front were published on Sunday. The military situation, so far as the public is informed, remains unchanged. Numerous stories are afloat regarding important commands with the new army and the disposition of various prominent officers whose names have been mentioned in connection therewith, but nothing conclusive has yet been given out. It is merely evident that preparation for the dispatch of fresh troops is being pushed as rapidly as possible. It is understood that the second division of the guards regiments is already under orders to go

## BURIAL AT OBERLIN OF MRS. WESTERVELT AND DAUGHTER

The Oberlin (O.) Tribune says:

The burial service over the remains of Mrs. Louise C. Westervelt, brought from Honolulu, Hawaii, and of Alice Lorena Westervelt her infant child, was held last Saturday forenoon at 10 o'clock in Westwood Cemetery. Rev. D. Bradshaw, pastor of the First church read a portion of scripture closing with the beautiful description of Joys of the Redeemed, as partially outlined in the book of Revelation. Rev. C. N. Pond spoke comforting and feelingly of the departed ones. After prayer the urn in which the ashes of the cremated body had been placed, was lowered with white ribbons into the grave, while Dr. Bradshaw repeated the ordinary funeral service.

Mr. Pond's address is here given in full.

It is very especially and particularly a service of love that has gathered us here today. On all customary occasions of this nature, however tender and reverent they may be made, there is one purpose of utility that must be subserved. The living must bury their dead from their sight. But no such purpose has brought us hither.

The precious dust of little Alice, two years old, had been resting in the bosom of mother earth twenty years in the middle East. The ashes of Alice's mother, brought hither in this sacred funeral urn, could find no more beautiful resting place than the Paradise of the Pacific, the fair island where she spent her latest years. But the husband and father has brought the one hundred miles from the East and the other thousands of miles over sea and land from the West that they might for love's sake be together interred in the home cemetery at Oberlin.

This is the expression of mother love, of conjugal affection and filial and family attachment, all of them being but streams from that fountain of all, the love of God. In that sentiment made operative every day, our departed friend Louise Clark Westervelt, was reared, as the daughter of Rev. and Mrs. George Clark. Well do I remember Mr. Clark's fervor and devotion. He seemed to me in a very unusual degree to combine the ardor and conviction of the evangelist with the prudent knowledge and wisdom of a man of the world. Growing up in this spirit, our Louise ever was true to it. I had an occasion to experience the pervasive influence of her kindness and hospitality when I passed a night and a day in her island home on Maui, fourteen years ago. Because of her

great weakness she could not be seen. But her thoughtful hospitality, in all the little careful plans for the happiness of my brother and myself, her guests, made us feel that although she was invisible, we were encompassed by her love and care. Similar was the influence that went forth from her during all the years. Shut in as she has been by physical limitation, yet there has radiated from her home the influence of trust, of faith and of friendship whose value has been felt and known in more continents than one.

The Master of all worlds has varied forms of service. Some he equips for great enterprises. With a nerve that never troubles, a shrew of steel, and a strength that never seems to wane, these great leaders push on the giant enterprises of God's care of Providence. Then there is the great mass of average workers who perform the tasks of the work-a-day world. With steady application and sturdy power they carry on the activities of nations and of continents.

But there is another class whose service is different. They are feeble; they suffer; they are sick. Their service is not to do but to bear. They patiently endure; they become the refiners of society; they teach us gentleness and patience, and tender affection. They are just as useful as are the strong or the seemingly more highly favored. They fulfill the beautiful thought of the master poet:

"His state is kindly,  
Thousands at his bidding, speed and post,  
O'er land and ocean without rest.  
They also serve who only stand and wait."

Such was the service of our dear friend, born in 1880, graduated in 1870, a bride in 1873, the bride of death in 1904. Through these fifty-four years it has not been granted to serve in the fullness of equipment and strength but with patience, gentleness, resignation and love. And no one can feel that this service has been for naught.

All of us who have known our Louise have been blessed and helped by her influence. There is an inspiring faith and a contagion of trust that has extended its influence afar. We scarce need to offer the prayer that our brother may be helped and sustained. We scarce need to offer this prayer because already it is answered. He is sustained and he is helped. But we do pray that Divine Grace may be given him in enlarged measure and that from this open grave receiving this precious dust and these sacred ashes now united in their final resting place in this consecrated ground, he and all of us may go about the work of life with added inspiration and a new sense of the love of God which gave and which also has taken away.

## THE JURY FINDS BOYD GUILTY OF EMBEZZLEMENT

(Continued from Page 1.)

in the business of the Land Office, which he was not called on to defend but which should not be taken into account against the defendant. It was a condition, according to the evidence, that had obtained under the defendant's predecessors. Counsel asked why it had taken the authorities so long to find out the defalcations in the Land Office, paying some attention in his remarks to the Auditor's responsibility. He referred to defalcations in other departments, mentioning that of Public Works, when Deputy Attorney General Fleming, Mr. Andrews being temporarily absent from the room, got up and objected to his going outside of the evidence.

Judge Robinson, who had been looking into law books, said he had not heard the remarks objected to, but with a few soothing words asked Mr. Chillingworth to proceed.

Mr. Chillingworth was soon again checked with an interruption on the same point by Mr. Fleming. At about that instant the Attorney General returned, when Mr. Chillingworth protested against members of the Attorney General's office bobbing up with interruptions while the head of the department was present conducting the case. Mr. Andrews did not interfere and defendant's counsel called the jury's attention to the "unseemly interruptions" and then picked up anew the thread of his remarks.

He laid great stress on Mahaulu's volunteer statement that there was no stenographer present when, as he testified, he told Mr. Peters that Boyd gave his check for a bill produced among evidences of public money taken by Boyd. He accused Mahaulu, in this as in other parts of his evidence, of suppressing facts in favor of Boyd. It was when he saw the check in court that Mahaulu, as counsel viewed it, invented a story to show that he had nothing to do with the bringing of a false exhibit into court.

Mr. Chillingworth reviewed portions of the evidence, arguing therefrom that there was really none but Mahaulu's on which defendant could be convicted. As he had been left alone in conducting the defense he urged the jury to recall anything he might have omitted which bore on the innocence or guilt of the defendant, as it was their duty to weigh all the evidence. He felt assured that they were gentlemen who would render no snap judgment. Mr. Chillingworth closed with an assertion of his own belief that the defendant was innocent.

Attorney General Andrews did not waste a word on preliminary observations, but taking the chief exhibits of

documentary evidence in his hands plunged directly at the gist of the case. It is doubtful if ever a case of such importance was more tersely and effectively summed up at any bar of justice. There were no rhetorical fireworks in the Attorney General's address, unless some apt remarks on the consequences to the country of slack dealing with public money might be so described, but a sedulous hammering out of bald facts and a nailing to the counter of spurious coin of extenuation for malfeasance of public trust.

The Attorney General displayed the receipts for public money that had never reached the public treasury and reminded the jury that the defendant, as sub-agent of lands, was responsible under the specific terms of the law both for the collection and custody of all public money due the Territory in his district. There was a simple and excellent system in the Land Office for the collection of dues. A regular form of receipt was provided, having a stub for recording the details of each collection. Boyd, instead of using this form, had a special billhead printed, by means of which land rentals might be collected and no record of the transaction be preserved in the office. Mr. Andrews displayed to the jury the blank receipt leaf, torn from the book and folded back to conceal it from a cursory view, the number of which corresponded with that of the billhead receipt for one of the sums shown in this case to have never reached the Treasury. The contradiction of Boyd's statement that he had not taken up the cash business after returning from Hilo on September 24 until October 1, by a memorandum of a deposit in the Treasury made out in his own handwriting and signed by himself under date of September 28 the same year, was duly treated. Boyd's admission of having made all the entries in the cash book, excepting when he was absent from Honolulu, fixed his responsibility apart from the legal fact thereof.

Mr. Andrews took up Boyd's cipher code left with Mahaulu, intended to apprise him of any danger arising out of a visit of the Auditor in his absence, saying that the document left absolutely no question of Boyd's knowledge that there was a shortage in his cash at the time he went to Hilo. The showdown of J. O. U.'s and other papers of like purport was not a part of the case had it not been for Boyd's swearing that, after the B. H. Wright incident, the whole system of advances of public money on salaries was abolished in the Land Office. It was entirely immaterial what might have been done before Boyd's time in office, he having admitted on the stand that the practices he had maintained were directly contrary to law and that he knew it.

Boyd's statements of having kept deposits of his own money in Mahaulu's hands had been disproved. His explanation of the \$531 check was absurd and proved false by Mahaulu's signing out of the 500 stamp. The Attorney

General was not resting strongly upon Mahaulu's credibility, but in that and other parts of his evidence the circumstances all tended to show he told the truth.

Mr. Andrews, referring to Boyd's attempts to make Mahaulu out as the thief of the money in question, said it that were true Boyd knew it before he was made Commissioner, knew it when he went to Hilo and to Washington. Yet on his leaving the office for the absences mentioned he had not only left Mahaulu in charge of the Land Office funds but had made him the disbursing of his (Boyd's) salary and given him entire control of his private finances. He acted on the theory that a man who stole Government money was the right man to entrust his own private money with. Not only that, but Boyd appointed the man he knew to be a thief, according to his present attitude toward Mahaulu, to succeed himself as cashier of the Public Lands Office.

Mr. Andrews made a few strong reflections on the public consequences of allowing such misappropriation and private conversion of public money to go unpunished. He concluded by saying that there could not be a doubt in the minds of the jury that the defendant had been proved an embezzler of public moneys on all three counts of the indictment.

## REPULSING JAPANESE

ST. PETERSBURG, Oct. 5, 6:20 P. M.

—Emperor Nicholas has at last received General Stoessel's official report of the desperate four days' assault of the besiegers upon Port Arthur from September 19th to September 23d, from which it appears that the unofficial report from Chefoo was by no means exaggerated. The Japanese displayed frenzied bravery, but they lost 10,000 men, and their only success was the capture of two redoubts guarding the water works.

They prepared for the assault by a general bombardment, and then launched their attacks simultaneously from the north and west. Night and day they fought under cover of a continual bombardment from their siege guns, and finally reached the redoubts on the north side, but only after the defenses there were completely demolished by shell fire from the west.

The Japanese efforts were directed chiefly against the commanding position on High mountain, which faces Pigeon bay, slightly south of Fort Etse. The mountain is 500 feet high, and if it had fallen its position would have given a tremendous lever against the chain of inner defenses. The carnage there was terrible and culminated September 22d, when the Japanese succeeded in reaching and occupying the Russian armored shelter trenches, whence they expected undoubtedly to storm the summit. During the night Lieutenant Pogorsky of the navy, at the head of a detachment of volunteers, descended upon the trenches and blew them up with pyroxylin bombs, producing a panic among the besiegers, who fled, leaving the mountain side strewn with dead.

The Japanese then abandoned further attempts, but after a day or two to recuperate, according to General Stoessel's second dispatch, dated September 30th, they resumed the bombardment of the city and outer works and began to construct zigzag approaches, to get a nearer point, from which to launch their next assault.

The loss of the water works is not considered vital, as there is a fresh water lake and numerous wells, as well as a condensing apparatus within the defenses.

General Stoessel recommends General Kondratenko, Lieutenant Pogorsky, Colonel Irman of the artillery and Captain Sychnoff of the Fifth Siberian Regiment for the St. George Cross.

The complete repulse of the Japanese has evidently greatly inspired the garrison of Port Arthur. General Stoessel says the gallantry of the Russian troops was beyond praise, and adds that the garrison will hold out to the last drop of blood. General Stoessel adds that practically nothing remained of the water works redoubts when the surviving Russian evacuated them.

General Stoessel's dispatch, which was dated September 30th, says: "After bloody assaults from the 15th to the 23d of September there has been comparative tranquillity around the fortress. On the night of September 23d the Japanese, after being repulsed by Lieutenant Pogorsky, fled in panic. They are now working very actively and are approaching by a tunnel and intrenchments. The bombardment was maintained both upon the forts and the buildings within the fortress."

"We make sorties frequently, driving back the enemy. The repulse of the last attack was especially due to Lieutenant Pogorsky, General Kondratenko, Colonel Irman and Captain Sychnoff. The spirit of the troops is heroic. Wounded men are every day returning from the hospitals to the ranks. We pray for victory and for the health of your majesty."

General Stoessel's report created great rejoicing and revived hope in his ability to defend the fortress. After the failure of the storming operations the War Office here would not be surprised if the Japanese changed their plan to a regular engineering siege.

## CHAMBERLAIN'S COUGH REMEDY CURES COLDS.

This remedy acts on nature's plan, allays the cough, relieves the lungs, aids expectoration, opens the secretions, and aids nature in restoring the system to a healthy condition. It is famous for its cures over a large part of the civilized world. For sale by all dealers and druggists. Benson, Smith & Co., Ltd., agents for Hawaii.

The Official and Commercial Record contains all meeting notices and all cooperation notices of every kind and description.

## AREA FOR BUILDING

### Chamber of Commerce May Cut Promotion Money.

The Chamber of Commerce met yesterday morning and adopted important resolutions. President Tenney was in the chair and over twenty members were present. The matter of a site for the proposed Federal building was laid before the Chamber by the president, who did so at the request of the Federal officials and Governor Carter. Mr. Tenney impressed the necessity of cooperation of the members. Resolutions which had been prepared by the board of directors were submitted. The first idea had been to select several sites and submit them to the Treasury Department, but it was later thought best to outline a section of the city within which it was the desire of the Chamber that the building be located.

E. I. Spaulding moved the adoption of the following resolutions:

"Resolved, That the President and Secretary of this body be requested to communicate with the Honorable Secretary of the Treasury, on the urgent need of Honolulu for a Federal building, suitable to the present and future needs of Federal officers, and petitioning that official to recommend an appropriation for such purpose in his next report to Congress."

"Resolved, Further, That the President and Secretary, in so presenting the matter to the Honorable Secretary of the Treasury, request that should an appropriation be made, such public building be erected on any suitable site within the following boundaries: Commencing at Halekauwila street, up Fort street to Hotel street, along Hotel street to Richards street, down Richards street to King street, along King street to Millian street, down Millian street to Halekauwila street, along Halekauwila street to place of beginning."

And Resolved, Further, that the President and Secretary hand a copy of this resolution to Hawaii's Delegate to Congress, with the request that he do all in his power to procure an appropriation for said purpose."

Some suggestions were made to the effect that the fishmarket block should have been included but it was decided that as the new docks would bring it directly on the waterfront it was impracticable. It was also asked why Nuuanu street was not made the western boundary of the area. It was replied that that was too near Chinatown, that the city was growing in the other direction and that there was not a suitable site to be obtained in that section. The Washington officials have intimated that the proposed building is to be 150x150 with at least forty feet clear around it. It will probably be three stories in height. The resolutions were adopted without a dissenting vote and the recommendation accompanied by a map and photographs of the streets and buildings in the area will be forwarded to Washington.

The following resolutions were unanimously adopted:

"Resolved, That the President and Secretary communicate with the Honorable Secretary of the Treasury of the United States on the necessity of securing a revenue cutter for service in the Hawaiian Islands, and respectfully request that official to embody in his report to Congress a recommendation for an adequate appropriation for that purpose."

"And Further Resolved, That a copy of this Resolution be handed by the President and Secretary to the Delegate from the Territory of Hawaii to Congress, with the request that he use all means in his power to secure such appropriations."

In the afternoon the directors of the Chamber met in a very important session to consider the report of the committee which was appointed to look into the annual report of the Hawaii Promotion Committee. The sub-committee recommended to the directors that the sum furnished the Promotion Committee by the Chamber of Commerce be cut down to what is necessary to maintain the Honolulu office and circulate approved literature. The committee of investigation consisted of H. A. Isenberg and E. I. Spaulding presented the report and on motion of F. M. Swanzy it was laid on the table to be considered at a later meeting.

The report stated that the Promotion Committee had spent \$28,774.88 for advertising the Territory. This went to magazines and for nearly half a million pieces of literature. The local office had been an accommodation for tourists. Only one line had given lower steamer rates. The committee disapproved the inviting of editors to the islands as the guests of the Promotion Committee. The \$15,000 donated by the Chamber comes from a wharfage tax and many of the smaller importers are objecting to the tax in the present state of business. It was recommended that the tax be reduced and the Promotion Committee be required to give a detailed account of its expenditures quarterly. It was thought that the \$3,000 or over that the committee had on hand would be sufficient for the present and it was recommended that the wharfage tax go to the improvement of the city, especially Kapiolani Park. There was considerable discussion pro and con and the matter was laid on the table.

#### May Contest Netley.

It is reported that the Democrats are going to make an attempt to keep Netley's name off the ticket. A search is being made for a ruling of former Secretary Cooper which was to the effect that delegates must get in their papers at the same time as nominees from outside districts. The Supreme court has declared the secretary's ruling null.



# TOOLS ARE TIGHTENING

(Continued from page 2.)

Q.—Is there anything else in regard to the charges here that you wish to state to the court?

A.—Not that I know of.

## UNDER CROSS FIRE.

Cross-examined by Attorney General Andrews, Boyd said he had charge of the Land Office cash at the time mentioned. Was pretty sure he did not take charge of cash after returning from Hilo until the 1st of October. Was making his report to Mr. Brown in the meantime.

Witness here admitted his signature to paper after paper shown him. One of them was to a memorandum of deposit in the Hawaiian Treasury, of the sum of \$2224.82, under date of September 28, 1900. This was within the time when he swore Mahaulu handled the office cash. He explained the inconsistency of statements by saying Mahaulu took everything to sign.

Yes, he had signed the Hakalau receipt.

Q.—Why didn't you make an entry of it?

A.—I told you there was a mistake.

Witness admitted he should have made an entry of the amount when he signed a receipt for it. He was nonplussed when asked:

"Suppose Mahaulu had cashed that and put the money in his pocket, how could you tell what became of it?"

Asked why he did not make an entry of the Kanoehe Ranch money when he stamped it paid he answered:

"Because Mr. Brown being away at Washington Mahaulu was practically in charge of the cash."

To several questions he repeated his plea that it was all Mahaulu's business.

Q.—Under the law is not every sub-agent responsible for the receipts in his district?

A.—Yes, sir.

Boyd volunteered a statement here about the "transition period" and leases made therein having been cancelled. Asked about his signing of receipts without caring where the money went, the defendant repeated his statement about Brown's absence and Mahaulu's responsibility.

Shown the receipt for \$1552.50, Boyd was asked:

"You never took the trouble or saw the necessity of entering this amount on the stub book?"

"Because the money was not received by me," the answer came.

"You were perfectly willing to sign a receipt for money for the Territory of Hawaii and allow anybody to go out and collect the money and put in his pocket?"

"If you would bind clerks in the office down to any such rules—" the reporter did not catch the conclusion of this answer.

## THE CIPHER CODE.

Mr. Andrews here introduced the cipher code given by Boyd to Mahaulu on the former's departure for the island of Hawaii, which appears at the head of this report.

Mr. Chillingworth objected to its admission because it did not relate to the case on trial and was neither addressed nor signed by any person.

Mr. Boyd, however, acknowledged that the handwriting on one side was his own and identified the handwriting on the other side as Mahaulu's.

The paper was filed as an exhibit, a motion to strike it out was denied. Boyd said he thought it was written when he was Commissioner and Mahaulu secretary.

Mr. Andrews questioned witness closely on the method of dealing with checks. Then he showed him stub book entries from 299 to 304 inclusive, all of which defendant acknowledged as his own.

Q.—Are there any stubs there in the handwriting of Mahaulu except when you were away?

A.—No.

## WHOLESALE EXHIBITS.

"Did you say there were no I. O. U.'s after the B. H. Wright affair?" the Attorney General asked.

"I do not know of any," Mr. Boyd replied.

"Did you ever see that before?" was next asked, as an I. O. U. of October 1, 1902, was presented to defendant's view.

Boyd admitted he had seen it and acknowledged his signature thereto.

Then, one after another, the Attorney General dealt out I. O. U.'s, receipts, bills, paid notes of hand, all belonging to E. S. Boyd. In almost every case defendant reluctantly admitted that these payments on his account were made out of funds belonging to the Territory of Hawaii in the Land Office.

About the third paper, indeed, he feebly protested as "only a scrap of paper" with his name on it which someone had filled out.

The amounts ranged from \$25 up to \$200 or more, with the order for \$500 from Washington copied above besides. This letter in typewriting except the signature, "Ned," was acknowledged by the defendant as having been sent by him to Mahaulu.

At 4:30 Mr. Andrews rested in cross-examination.

Mr. Chillingworth announced he would hold a redirect examination of the defendant this morning.

The court then rose for the day.

## COME INTO INHERITANCE.

George F. Renton for himself and Henry H. Renton, guardians of Arthur H. F. Renton and Maud G. Renton, minors, petition for approval of accounts and discharge, saying that the minors have come of legal age. Their fourth annual statement covers the period from Sept. 1, 1903, to Sept. 30, 1904. Amounts paid out were as follows: Account of A. H. F. Renton, \$184.44; account of M. G. Renton, \$184.44.

At 5:30, general administration, 514.

# THE SUGAR WORLD.

On account of the low water in the Elbe river, Germany, about 2,500 cars full of Austrian sugar had to be transported by rail, causing a loss through increased freight of about 250,000 marks.

The Danske Sukkerfabriker in Copenhagen, which owns almost all the beet sugar factories in Denmark, made a net profit of 500,000 kroner in the last campaign. A 10 per cent dividend on 1,000,000 kroner of capital was distributed.

The Italian sugar trust, representing a capitalization of 80,000,000 lire, has forced prices upward. The raw sugar production of the 18 companies composing it has been fixed at 1,060,000 metric hundredweights. This amount is refined by four refineries.

The retail grocers of Great Britain are rebelling against the conditions which force them to sell sugar to the consumer without any profits for themselves and have formed a Retailers' Sugar Association for the purpose of fixing a minimum price on sugar that will leave them a margin of at least a farthing per pound.

Messrs. Joaquin Guma and Federico Mejer of Havana report to this paper under date of August 31 that the total sugar exports of Cuba for the campaign of 1903-1904 up to that date amounted to 1,042,177 tons, against 772,281 tons in 1903. The stock on hand at that date amounted to 47,558 tons, against 203,638 tons in 1903. The local consumption had reached 27,860 tons in eight months, against 26,045 last year. The total amount of sugar received in the various ports was 1,022,760 tons, against 959,479 tons in 1903.

The Liste Generale des Fabriques de Sucre for 1904-1905, issued by the bureau of the Fabricants de Sucre de France, at Paris, enumerates 307 French beet sugar factories, 119 French rasping stations, 46 sugar and molasses refineries. Germany is listed with 392 beet sugar factories and 60 sugar refineries. Austria-Hungary is listed with 217 beet sugar factories and 19 refineries; Russia with 238 beet sugar factories, 37 sugar factories and refineries, and 18 refineries; Belgium with 102 beet sugar factories, 13 rasping stations, 6 sugar loaf refineries and 32 candy refineries; Holland with 28 beet sugar factories and 10 refineries. The United Kingdom is listed with 22 refineries. Italy is given 34 beet sugar factories, 6 refineries; Denmark, 7 beet sugar factories and 4 refineries; Sweden, 18 beet sugar factories, 3 rasping stations and 9 refineries; Spain, 46 beet sugar factories, 21 cane sugar factories and 6 refineries; Roumania, 6 beet sugar factories and refineries; Bulgaria, 2; Serbia, 1; Greece, 1; Switzerland, 1; Chile, 4; Uruguay, 2; Brazil, 1; Egypt, 17 sugar factories and refineries; Guadeloupe, 19 sugar factories, Reunion, 31; Mauritius, 121 cane mills; Argentina, 42 cane sugar factories, and Java 182 cane sugar factories.

L. Raynaud closes a review of the situation in the various sugar-producing countries, written for the Sucrerie Indigene et Coloniale, with the statement that the Brussels convention has not been in force long enough to permit of a definite judgment as to its effects. But he is of the opinion that the British market will be more and more closed to beet sugar, and that the British consumer will eat principally cane sugar from British colonies which have been crowded out of the American market by Cuban sugar. Therefore the European manufacturers must restrict their output.

The development of the beet sugar industry in Austria-Hungary is shown by the following figures: In 1842, about 4,000 hectares were planted to beets. In 1848, about 1,000,000 metric hundredweights of beets with a sugar content of 6 per cent were produced. In the campaign of 1853-1854 there were 106 beet sugar factories, working about 3,000,000 hundredweights of beets with a sugar content of 6.5 per cent. In the campaign 1873-1874, there were 244 beet sugar factories working 13,700,000 hundredweights of beets with a sugar content of 9 per cent. In the campaign of 1893-1894, there were 232 beet sugar factories working 77,750,000 metric hundredweights of beets with an average sugar content of 14.8 per cent. In 1901-1902, there were 217 beet sugar factories working 89,500,000 metric hundredweights of beet with an average sugar content of 16 per cent.

A rather acrimonious debate has been running through various sugar journals for some time regarding the relative merits of American and British sugar machinery. The Hawaiian Planters' Monthly for August 15, 1904, voices the sentiments of the American Sugar Industry and Beet Sugar Gazette when it declares that it has "no desire to enter into a fruitless discussion of the relative merits of the various makes and designs of sugar house machinery. So far the Hawaiian sugar planters and manufacturers are concerned, the question admits of no discussion. The modern designs of sugar house machinery, which long ago supplanted the British styles in the mills of these islands, are entirely of American construction."

The American sugar industry has always given preference to American machinery, and has been well satisfied with the result. And various writers who have taken part in the discussion, some of them Englishmen, have practically admitted that British manufacturers have not thoroughly appreciated, as a rule, the modern requirements of highly-intensive production. This is not claiming that they are not capable, or will not do so, in the future, and if they do, the result will be a greater stimulation of the inventive faculties of American machine builders and a consequent gain to the sugar industry.—American Sugar Industry and Beet Sugar Gazette.

## TRAVELS OF PRAIRIE CHICKENS.

An Emporia man advances the theory that prairie chickens are so scarce about Emporia now because they migrate west every spring to hatch their young. This sportsman was out trying to find some the other day and failed, although he went clear to the Flint Hills.

All the farmers along the way told the same story. Each said there was a big bunch of chickens on his farm until spring and they then disappeared. The farmers thought it was nothing strange that the chickens should go west to hatch their young and are looking for chickens to come back next winter.

As a matter of fact, prairie chickens are not among the migratory birds, but the chickens in this part of the country seem to be adapting themselves to conditions. This country is being settled up closely and put under the plough, and the birds want wilder territory where their young will be safer than in a well settled locality. Then in the winter the birds come back to the cultivated country because there is plenty of food in the fields.

Last year the attention of sportsmen was attracted by great flocks of chickens that came in from the northwest in the duck season. It was the first time they ever saw chickens migrating. A flock was seen near Americus which was said to have had 400 chickens in it. Last winter there were a number of flocks of chickens within four miles of town, which was an unusual thing. The birds were supposed to have come in from western Kansas to get the benefit of the plentiful supply of kafir corn, which the chickens relish.—Emporia Gazette.

The present plague of locusts in advance in a solid phalanx, sometimes twenty feet deep. Within ten days two or three feet deep and several the young insects, though still small, miles in length.

# THE QUEEN, THE ALI'S

(Continued from page 3.)

ful wobbings and gyrations of the loyal straight Republican. At another time an enthusiast who spent most of his time in seeing that the jar of liquid refreshments that stood near the speaker's stand did not run over started up a flow of oratory that nearly drowned out the gentleman who was speaking. But the audience didn't mind that, for after all noise and eloquence is the essential part of these rallies and the audience cares little what is the source.

Samuel C. Dwight was the chairman of the meeting and most of the speakers made their addresses in Hawaiian. Mr. Keakalahoua was the first speaker and spoke of his experience with the Republican party in Utah where the Hawaiians were not able to get title to their lands in fee simple until the Republican party came into power. He said that the sooner the Hawaiians became Americanized the better. He was followed by A. S. Kalei-ou who made an eloquent speech. He made a telling hit when he showed the attitude of the Democratic party in respect to the negroes and that Senator Tillman said that the Hawaiians were no better than "niggers". He then soaked the local Democracy with the same rock by saying that Mossman in his speech at Aala park scored the Republicans for letting T. McCants Stewart go to the Coast to speak. Kalei-ou said that this proved that the local Democrats also drew the color line.

E. Faxon Bishop was the next speaker and began his remarks by announcing that he was a stranger to that part of the town but that when he was a youngster he had been employed as a sort of supercargo on the waterfront and saw many familiar faces in the crowd. He gave Cecil Brown his regular roast and ended by declaring that the Fifth district ticket were all good men whether the newspapers thought so or not and urging all to support them. He had previously said the same thing for Shaw.

Sol. Mahelona, the che fa man, was the next speaker and he announced that he was "a true Republican from the time when Republicanism was first established in the Territory and from the top of his head to his toes. He said he was standing on a platform of independence and would fight for the people's rights."

James H. Boyd, instead of telling where the missing Public Works money went, spoke in a humorous line, referring to the "hula-hula ticket" saying that the Hawaiians were not ashamed of having it called that for they were used to the "hula-hula" and would not forget it election day. Mr. Boyd declared that the Republican party was the one to be supported and that he was a Home Rule candidate at one time merely because of a peculiar local political situation.

F. P. T. Waterhouse and Oscar Cox were the other speakers on the program, Mr. Waterhouse appealing especially to the younger voters.

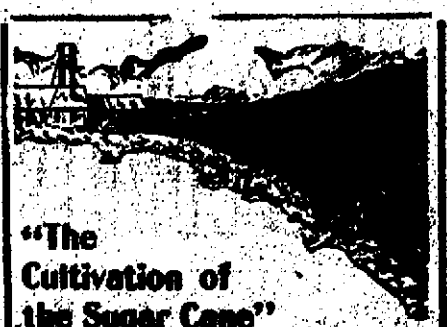
## Has Big Cargo.

The American-Hawaiian liner Nevada is due here the 17th of this month with one of the largest cargoes ever shipped from Puget Sound to this port. The Alaskan will be the first ship of the line to leave this port for New York direct next season. She will sail from New York soon for Honolulu.

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